

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

ASHFORD HOSPITALITY TRUST, INC.,

Plaintiff,

-against-

CYGNUS CAPITAL, INC., CYGNUS CAPITAL  
ADVISERS, LLC, CYGNUS GENERAL PARTNERS, LLC,  
CYGNUS CAPITAL REAL ESTATE ADVISORS II, LLC,  
CYGNUS OPPORTUNITY FUND, LLC, CYGNUS  
PROPERTY FUND IV, LLC, CYGNUS PROPERTY FUND  
V, LLC, CHRISTOPHER SWANN, RICHARD BURNS,  
SHANNON JOHNSON, WILLIAM MILLER, JR.,  
RODERICK NEWTON II, THORNTREE CAPITAL  
PARTNERS LP, THORNTREE CAPITAL MASTER FUND  
LP, THORNTREE CAPITAL GP LLC, and REBECCA  
HARVEY,

Defendants.

No. 3:21-cv-00125-M

**PLAINTIFF'S UNOPPOSED MOTION FOR LEAVE TO FILE UNDER SEAL**

Plaintiff Ashford Hospitality Trust, Inc. ("Ashford Trust"), through its undersigned counsel, respectfully moves for leave to file under seal the Appendix in Support of Motion for Preliminary Injunction (the "Appendix") (ECF No. 8). In support of this Motion, Ashford Trust states as follows:

1. Ashford Trust filed the Appendix on January 21, 2021. According to Defendants Cygnus Capital, Inc., Cygnus Capital Advisers, LLC, Cygnus General Partners, LLC, Cygnus Capital Real Estate Advisors II, LLC, Cygnus Opportunity Fund, LLC, Cygnus Property Fund IV, LLC, Cygnus Property Fund V, LLC, and Christopher Swann (the "Cygnus

Defendants”), the Appendix contains personal identifying information the Cygnus Defendants have characterized as confidential,

2. While Ashford Trust does not necessarily agree with the Cygnus Defendants’ characterization of investor information as confidential, Ashford Trust filed a redacted Appendix (ECF No. 9) on January 25, 2021 as a courtesy to the Cygnus Defendants,

3. In an abundance of caution, and as a further courtesy to the Cygnus Defendants, Ashford Trust now respectfully requests that this Court seal the originally-filed Appendix (ECF No. 8).

WHEREFORE, Ashford Trust respectfully moves this Court to seal the Appendix originally filed in this case.

Dated: February 2, 2021

Respectfully submitted,  
**THOMPSON & KNIGHT LLP**



By: \_\_\_\_\_

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*Of Counsel:*

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Nicholas A. Gravante, Jr. (motion for admission forthcoming)  
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**CERTIFICATE OF CONFERENCE**

On Monday, February 1, 2021, counsel for Ashford Trust delivered by email a courtesy copy of this Motion to Adrienne Ward, Thomas Fleming, and Elizabeth Gonzalez-Sussman of Olshan Frome Wolosky LLP (counsel for the Cygnus Defendants, Richard Burns, Shannon Johnson, William Miller, Jr., and Roderick Newton II), Chris Davis of Gray Reed & McGraw LLP (counsel for Rebecca Harvey), and Alex Kaplan of Sidley Austin LLP (counsel for ThornTree Capital Partners LP, ThornTree Capital Master Fund LP, and ThornTree Capital GP LLC, or “ThornTree”) and requested a response regarding whether their clients opposed the Motion by 3:30PM CST that day. Counsel for the Cygnus Defendants and Harvey stated that they did not oppose the Motion, while counsel for ThornTree did not raise any objection to the Motion before the 3:30PM CST deadline. Based on the above, the motion is submitted as unopposed.



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Michael W. Stockham

**CERTIFICATE OF SERVICE**

I certify that on February 2, 2021, I emailed copies of Ashford Trust's Unopposed Motion for Leave to File Under Seal to Adrienne Ward, Thomas Fleming, and Elizabeth Gonzalez-Sussman of Olshan Frome Wolosky LLP (counsel for the Cygnus Defendants, Richard Burns, Shannon Johnson, William Miller, Jr., and Roderick Newton II), Chris Davis of Gray Reed & McGraw LLP (counsel for Rebecca Harvey), and Alex Kaplan of Sidley Austin LLP (counsel for ThornTree). In addition, any of Defendants' counsel that has made an appearance will also be electronically served through ECF.



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Michael W. Stockham